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OFFICE OF PETITIONS

In re Application of
Jeffery Steven Beck et al
Application No. 10/630,647
Filed: July 29, 2003
Attorney Docket No. 10030328-1

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: DECISION GRANTING FILING
: DATE OF JULY 29, 2003
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This is a decision on the petition filed July 6, 2004, under 37 CFR 1.182 which is being treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of July 29, 2003.

The petition is **granted**.

The application was deposited on July 29, 2003. However, on June 2, 2004, the Office of Initial Patent Examination Division mailed a "Notice of Incomplete Nonprovisional Application," stating that the application was deposited without drawings.

In response, on July 6, 2004, the instant petition, a declaration of Ms. Donna Zimmerman with Appendices A-D, and a copy of four (4) sheets of drawings to include Figures 1-6 as described in the specification were submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of four (4) sheets of drawings on July 29, 2003. A review of the application file indicates the four (4) sheets of drawings are missing.

MPEP 503 states that "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, since the evidence supports the fact that the drawings (4 sheets) were in fact present on filing, the Notice mailed June 2, 2004 is vacated.

Since the drawings cannot be located in the Office, the copy of the drawings supplied on **July 6, 2004** will be used for processing and examination purposes.

The petition fee of \$130.00 submitted with the instant petition is being credited to deposit account no. 07-1897 as requested.

Additionally, the spelling of the first named inventor, **Jeffery Steven Beck** has been corrected as authorized.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

This matter is being referred to the Office of Initial Patent Examination Division for processing with a filing date of **July 29, 2003**, and using the drawings (4 sheets Figures 1-6) supplied on July 6, 2004, and with an indication that four (4) sheets of drawings were included on filing and for mailing of a corrected filing receipt.

Telephone inquiries concerning this matter may be directed to Karen Creasy at (571) 272-3208.

Christina Partera Donnell for

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:

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